

### ***Remarks***

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-5, 7-13 and 15-19 are pending in the application, with claims 1, 9 and 13 being the independent claims.

### ***Examiner Interview***

Applicants appreciate the courtesies extended by the Examiner during the telephone interview conducted on June 2, 2004. During the interview, the rejection of claims 6 and 14-16 under 35 U.S.C. 103(a) was discussed with respect to the fact that the cited references and the present application are all assigned to the same entity. The Examiner indicated that claims 6 and 14-16 would be allowable if amended to include the elements of the independent claims.

### ***Claim Rejections Under 35 U.S.C. 102(e)***

#### **Rejections based on the Rosenberg patent**

Claims 1-4, 7-9 and 11-12 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,061,004 to Rosenberg (“the Rosenberg patent”).

Independent claims 1 and 9 have been amended to include the subject matter of claim 6. As discussed during the Examiner Interview, and as discussed below, claim 6 is allowable over the cited reference. For at least this reason, independent claims 1 and 9 are allowable.

#### **Rejections based on the Shahoian patent**

Claims 13 and 18-19 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,697,044 to Shahoian et al. (“the Shahoian patent”). Independent claim 13 has been amended to include the subject matter of claim 14. As discussed during the Examiner Interview, and as discussed below, claim 14 is allowable over the cited reference. For at least this reason, independent claim 13 is allowable.

***Claim Rejections Under 35 U.S.C. 103(a)***

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Rosenberg patent in view of the Shahoian patent. Claims 14-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Shahoian patent in view of the Rosenberg patent. Under 35 U.S.C. 103(c), however,

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

As discussed during the interview, at the time the claimed invention of the present application was made, the Rosenberg patent, the Shahoian patent and the present application were owned by and/or subject to an obligation of assignment to the same “person,” Immersion corporation. Thus, the Rosenberg patent and the Shahoian patent can not be properly considered prior art under 35 U.S.C. 103(a). Accordingly, as discussed during the Examiner Interview, Applicants respectfully request that the rejection under 35 U.S.C. 103(a) be withdrawn.

***Conclusion***

All of the stated grounds of rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

COOLEY GODWARD LLP

Date: June 24, 2004

By:

  
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